

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Brenda M. Daughtry

Case No.: 13-35303
Judge: RG
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☒ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 7/7/16

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 530 per month to the Chapter 13 Trustee, starting on August 1, 2016 for approximately 20 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☒ Other sources of funding (describe source, amount and date when funds are available):
Any tax refunds in excess of \$1500.00.

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☒ Other information that may be important relating to the payment and length of plan:

The Debtor has paid \$17,131 to date.

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Office of Chapter 13 Trustee	Trustee Commissions	TBD

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M & T Bank	Mortgage	\$7,294.72		\$7,294.72	\$1,077.12

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Navy Federal Credit Union	2009 Chevy Traverse	30,224.01	12,491	0	12,491	0	12,491
Wells Fargo	Home Windows	9,133.15	0	0	0	0	0

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.
Navy Federal Credit Union - 2009 Chevy Traverse

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than _____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Wells Fargo	Home Windows	\$9,133.15

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Navy Federal Credit Union	2009 Chevy Traverse	12,491	17,733.01

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative
- 3) Secured
- 4) General Unsecured

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 9/24/14.

Explain below **why** the plan is being modified:

The Debtor entered into an Order with M & T Bank to cure post petition arrears by capitalizing the arrears in the Chapter 13 Plan.

Explain below **how** the plan is being modified:

The new Plan extends the time to account for the arrears added to the plan.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 7/7/16

/s/ Robert H. Johnson

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 7/7/16

/s/ Brenda M. Daughtry

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Brenda M. Daughtry
 Debtor

Case No. 13-35303-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

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 Total Noticed: 21

Date Rcvd: Jul 13, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 15, 2016.

db +Brenda M. Daughtry, 671 Langdon Street, Orange, NJ 07050-1125
 smg U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 514458986 +ALTAIR OH XIII, LLC, C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,
 SEATTLE, WA 98121-3132
 514365469 +APEX ASSET MANAGEMENT, 2501 Oregon Pike, Ste 102, Lancaster, PA 17601-4890
 514365468 +Anthony L. Cuppari, 98 Ford Road, Ste 3H, Denville, NJ 07834-1356
 514365470 +Barclays Bank Delaware, PO Box 8603, Wilmington, DE 19899
 514365471 +CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, PO Box 85520, Richmond, VA 23285)
 514523800 +CERASTES, LLC, C O WEINSTEIN, PINSON, AND RILEY, PS, 2001 WESTERN AVENUE, STE 400,
 SEATTLE, WA 98121-3132
 514530880 +Lakeview Loan Servicing, LLC, M&T Bank, Attn: Bev Inglalsbe, 1100 Wehrle Drive,
 Williamsville, NY 14221-7748
 514365474 +Navy Federal Credit Union, PO Box 3700, Merrifield, VA 22119-3700
 514365475 +Quality Asset Recovery, 7 Foster Ave, Ste 101, Gibbsboro, NJ 08026-1191
 514365476 +Sears, PO Box 6282, Sioux Falls, SD 57117-6282
 514365477 +United Collections Bureau, 5620 Southwyck Blvd, Ste 206, Toledo, OH 43614-1501
 514365478 Wells Fargo, PO Box 660432, Dallas, TX 75266
 514457692 Wells Fargo Bank NA, PO Box 10438, Des Moines IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 13 2016 23:17:43 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

514365472 +E-mail/Text: bankruptcy@icsystem.com Jul 13 2016 23:18:24 IC Systems, PO Box 64378,
 Saint Paul, MN 55164-0378
 514694774 E-mail/PDF: resurgentbknofifications@resurgent.com Jul 13 2016 23:12:47
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 514365473 E-mail/Text: camanagement@mtb.com Jul 13 2016 23:17:28 M & T Bank, 1 Fountain Plaza, Fl 4,
 Buffalo, NY 14203
 514441021 E-mail/Text: ext_ebn_inbox@navyfederal.org Jul 13 2016 23:18:52 Navy Federal Credit Union,
 PO Box 3000, Merrifield, VA 22119-3000
 514654215 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 13 2016 23:12:42
 Portfolio Recovery Associates, LLC, c/o Capital One/Hsbc, POB 41067, Norfolk VA 23541
 TOTAL: 6

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 15, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 7, 2016 at the address(es) listed below:

Joshua I. Goldman on behalf of Creditor M&T BANK jgoldman@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Joshua I. Goldman on behalf of Creditor Lakeview Loan Servicing, LLC jgoldman@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Lynn Therese Nolan on behalf of Creditor Lakeview Loan Servicing, LLC and its servicing agent
 M&T Bank LNolan@schillerknapp.com,
 tshariff@ecf.courtdrive.com/tshariff@schillerknapp.com; kcollins@schillerknapp.com

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 21

Date Rcvd: Jul 13, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Marie-Ann Greenberg magecf@magtrustee.com
Michael E. Blaine on behalf of Creditor Lakeview Loan Servicing, LLC and its servicing agent
M&T Bank mblaine@schillerknapp.com,
tshariff@ecf.courtdrive.com;tshariff@schillerknapp.com;kcollins@schillerknapp.com
Robert H. Johnson on behalf of Debtor Brenda M. Daughtry ecfmail@rhjlaw.com

TOTAL: 6